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Mary Jo Bertani
KOESTNER BERTANI LLP
1924 Galaxy Drive
Newport Beach, CA 92660

In re Application of: WILKINSON, et al.
Application No. 10/676,637
Filed: 1 October 2003
For: DETERRING NETWORK INCURSION

**DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)**

This is a decision on the refiled petition to make special under 37 C.F.R. §102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, filed on August 22, 2006 of the original petition filed January 23, 2006 which was dismissed on June 22, 2006.

The Petition is **GRANTED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The dismissal decision stated that the original the petition fails to adequately meet the requirements (b) and (e) as set forth supra. Those deficiencies have been corrected.

The Petition to Make Special is hereby **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The period form response continues to run from the April 2, 2007 restriction requirement. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.



Tod Swann
Quality Assurance Specialist
TC 2100